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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

February 25, 1993

IN REPLY REFER TO:
7330-7/1700A3

RECEIVED

MAR -9 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Mr. Immaculate T. Wettrick
Vice President, Rhawnhurst-Bustleton
Ambulance Association
2044 Grant Avenue
Philadelphia, Pennsylvania 19115

Dear Mr. Wettrick:

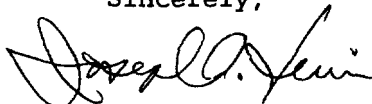
This is in reply to your letter of February 11, 1993, regarding the Notice of Proposed Rule Making (Notice) in PR Docket No. 92-235, 57 FR 54034 (1992). This Notice proposes comprehensive changes to the Commission's Rules governing the private land mobile radio services operating in the frequency bands below 512 MHz.

The proposals in the Notice reflect to a large extent concepts and proposals submitted in the initial inquiry stages of this proceeding. None of the proposals set forth in the Notice, however, are engraved in stone. Indeed, the proposals represent our best judgment at this stage of the proceeding on steps that must be taken to improve the regulatory climate for users of the private land mobile radio spectrum below 512 MHz. I have enclosed for your information a copy of that part of the Notice that describes the numerous proposals. I have also enclosed a recent Report and Order, PR Docket No. 91-72, FCC 93-32 (1993), that addresses several of your specific concerns.

We are, of course, sensitive to the need of users of private land mobile radio spectrum and the impact that these proposals may have on their radio systems, including the costs of required modifications. Your letter will be included in the record of the proceeding and will be fully evaluated when we develop final rules in this proceeding.

We want to thank you for your interest in this proceeding. We expect final rules to be issued in 1994.

Sincerely,



Ralph A. Haller
Chief, Private Radio Bureau

Enclosures

cc:
Chief, PR Bureau
Chief, LM&M Division
Deputy Chief, LM&M Division
Lou Sizemore, Room 857
Docket Files, Room 222
Licensing Div., PRB, c/o Room 5202
P&P Branch Files

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PRIVATE RADIO BUREAU
FCC



2044 GRANT AVENUE
PHILADELPHIA, PA. 19115
(215) 698-9111

February 11, 1993

Mr. Ralph A. Haller
Chief, Private Radio Bureau
Federal Communications Commission
Washington, D.C. 20554

Re; Replacement of Part 90
by part 88 to revise
the private land Mobile
PR Docket 92-235

Dear Sir:

Enclosed please find a copy of the information that was forwarded to us and we are strongly objected to this since we the above are an ambulance service that used the above for emergency service. We now have to contend with a bus company that uses their air time for gossip etc. and they make it very hard for us to clear the air when we the above have an emergency call going over the air and they do not give us the courtersy to transmit.

We are also on the frequency with Camden County and they give us the time and we likewise that neither of us walk on the other because they to are aware of the need to try to keep the airs clear for us as well as themselves.

If Fire rescue can have that system why can't we because we are providing the same type of service and that is to service the public in an emergency situation. The bus company have been watched by the FCC for a while becuae they were walking over our transmissions.

Please take this into consideration and please advise us of any changes that would be made. Thank you for your consideration in this matter.

Sincerely yours,

Immaculate T. Wettrick
Vice President
Enclousre

KWI 667
155.235

From the desk of

GEORGE PETRUTSAS

American Mobile Radio
Association, Inc.
P.O. Box 33847
Washington, D.C. 20036-0847

Information on FCC's PR Docket 92-235, the FCC's plan to "re-farm" the frequencies in the private land mobile radio bands 72-174 MHz and 450-512 MHz.
The major issues and how to submit your comments

A. THE ISSUES

In this rulemaking, the FCC plans to drastically change private land mobile radio. The proposals that will most seriously hurt practically all existing private land mobile licensees are:

Channel Splitting. In order to increase the number of land mobile frequencies, the FCC plans to "split" the existing land mobile channels. By January 1, 1996, all private land mobile radio systems will be required to reduce transmitter deviation to ± 3 KHz and to narrow their channels to 15 KHz, if they operate in the 72-174 MHz bands, or to 12.5 KHz if they operate in the 450-512 MHz bands. After January 1, 1996, new systems will be authorized to operate on 5 KHz channels in the 72-174 MHz bands, or on 6.25 KHz if they operate in the 450-512 MHz bands. During the period from 2004 to 2012, all land mobile systems will have to change to 5 or 6.25 KHz channels.

The new systems to be authorized after 1996 will interfere with existing land mobile systems, if they are close enough geographically. Also, narrowing the channel will reduce coverage and the quality of the signal. As a result, existing licensees, by 1996, will have to overhaul their systems, or buy new (although untested) "narrowband" radio equipment, or give up private land mobile radio completely and buy service from commercial vendors, such as cellular or SMRS. They will have to buy new equipment again after 2004.

Power Restrictions. Also troublesome is the FCC's plan to reduce drastically the power private land mobile radio systems will be permitted to radiate. The maximum effective radiated power will be restricted to 300 watts at very low transmitter sites. At high transmitter sites, such as those around Los Angeles and San Francisco, land mobile radio licensees would be required to reduce effective radiated power to as little as 1 watt. Coverage will be drastically cut. The FCC will expect licensees to add base stations or relays if they need to maintain wide area coverage. However, the number of authorized mobile units will need to be increased by 100% to qualify for exclusive assignment of the channel at the additional base or repeater site.

Consolidation of private land mobile radio services. The FCC also plans to abolish the existing private land mobile radio services and group all private land mobile frequencies into three pools; one for public safety, one for non-commercial (private) systems and a general access pool. Eligibility requirements will be all but eliminated. Under the FCC plan, all state and local governmental agencies will be assigned frequencies from the public safety and general access pools, and all non-government, private radio applicants will use frequencies from the non-commercial pool and general access pools. Those who would want to sell service as private carriers will use frequencies from the general access pool. Under this plan, the degree of priority afforded safety oriented services by the existing separate radio services would be eliminated. All frequencies in each pool will be assigned on a first-come-first-served basis.

Recommended Responses. It is recommended that you respond to these FCC's proposals and express your strong opposition along the lines suggested below:

You should tell the FCC in no uncertain terms that you oppose all three proposals. About the channel splitting proposal, you should argue that the 1996 date is far too early. Channel splitting should be postponed until the end of the 1990's, to give you a reasonable opportunity to amortize your equipment and give the manufacturers time to develop a full line of proven quality narrowband equipment. It has not been demonstrated that reliable communications are possible in such narrow channels. You should also argue that there should be only one equipment change, not two as the FCC now contemplates.

About the power reduction plan, you should argue that the planned power reduction is too severe, and in most cases unnecessary. Adding more base stations or relays to maintain your coverage makes no sense. More base stations and more relays would add enormously to the costs of your system. In addition to added cost for radio equipment, additional base stations will require additional sites which are scarce, costly, and environmentally troublesome. You should argue that land mobile licensees should have latitude to use adequate power to provide the coverage they need.

With respect to the consolidation of the land mobile services, you may want to argue that it is not necessary, it will be disruptive and will deprive land mobile licensees the assurance that current services provide that frequencies will be available to them when needed.

B. WHERE AND HOW TO SUBMIT YOUR COMMENTS TO THE FCC

- Comments should be filed by February 26, 1993.
- Address your comments to the Federal Communications Commission, Washington, D.C. 20554.

- Refer to PR Docket 92-235.
- Submit five copies.
- Also send copies to your two Senators, to your Congressman, and to:

Mr. Ralph A. Haller
 Chief, Private Radio Bureau
 Federal Communications Commission
 Washington, D.C. 20554

C. FORMAT

Use the following format:

Before the
 Federal Communication Commission
 Washington, D.C. 20554

In the Matter of)	
)	
Replacement of Part 90)	PR Docket 92-235
by Part 88 to Revise)	
the Private Land Mobile)	
Radio Services and Modify)	
the Policies Governing them)	

To: The Commission

COMMENT OF

WXYZ Company submits its comments in response to the Commission's Notice of Proposed Rule Making in this proceedings.

1.
2.
3.
- etc.

Respectfully submitted,

WXYZ COMPANY

By: _____
 Title: _____

If you do not wish to file formal comments, send a letter to the FCC expressing your feelings. If you send a letter, refer to PR Docket 92-235 and send copies to your Senators, your Congressman, and to Mr. Haller.

CEJ/GP-07(02)/docket.draft

Commission's 'refarming' plan assailed as regulatory overkill

By George Petrutsas

Those who must, but have not yet, developed an understanding of the



Petrutsas

The proposed new rules, Part 88, a rewrite of Part 90, are a very complex set of regulations, in league in complexity with some of the most daunting Internal Revenue Service rules. Readers should reserve an entire, undisturbed, preferably rainy, weekend for plowing through the more-than-400 tightly typed pages. A computer may be helpful to keep up with the extensive and often needless cross-referencing.

The FCC's objective in this effort is to increase, eventually by several times, the number of usable frequencies mainly in the upper VHF (150-170 MHz) and lower UHF (450-512 MHz) land mobile bands primarily

through channel splitting, a very desirable goal that enjoys broad industry support.

The FCC's proposals, however, turn out to be regulatory overkill. The proposed new regulations would impose enormous costs on several hundreds of thousands of local government and private licensees, probably twice in less than a decade, with no obvious immediate benefits to them. Moreover, public-safety agencies and basic U.S. industries would be deprived of the small degree of priority in using frequencies that current regulations allow. The immediate beneficiaries would be equipment manufacturers and the new breed of land mobile radio entrepreneurs: large specialized mobile radio operators.

Channel splitting, or creating new frequencies by narrowing (splitting) existing channels, is nothing new: Land mobile channels have been "split" several times since the 1950s. This is in sharp contrast to television broadcasting stations that still operate using technical standards from the 1930s.

The FCC plans to split the land mobile channels from 15 kilohertz—and

in many cases from 30 kilohertz—eventually to 5 kilohertz in the VHF band and from 25 kilohertz to 6.25 kilohertz in the UHF band. Initially, existing land mobile licensees would be required to reduce the width of their assigned frequencies by half by Jan. 1, 1996. Reducing the width of the existing channels would yield, according to the commission, a 20 percent increase in channel capacity in the VHF band and would triple the number of frequencies in the UHF band. The reduction of channel width in existing stations, the commission was advised by its staff, is a simple screwdriver adjustment of the transmitter deviation.

Unfortunately, true channel splitting is not so simple. Reducing the deviation of the transmitter will also substantially reduce the performance and reliability of the system. More significantly, the assignment and use of the newly created adjacent channels would result in widespread interference to existing systems because their receivers will continue to receive signals over the entire 30 kilohertz channel in the VHF band in many cases, or over the entire 25 kilohertz channel in the UHF band.

Receiver narrowbanding requires much more than a screwdriver adjustment. It requires, if even possible for some radios, a major and costly overhaul of the equipment. To make possible operations within such nar-

row channels, frequency tolerances would be tightened by a factor of five, from five parts per million to one part per million.

Disturbing to many also is the FCC's proposal to abolish the existing land mobile radio services, and the relative priorities in the use of land mobile radio they provide.

Totally unrelated to channel splitting is the FCC's proposal to limit drastically the power a land mobile station may radiate to as little as one watt for stations located on high ground. Existing land mobile licensees, come 1996, would be faced with Hobson's choices: endure widespread interference, purchase new 15 kilohertz or 12.5 kilohertz equipment, purchase 5 kilohertz or 6.5 kilohertz equipment, or abandon private radio and look to SMR entrepreneurs for service.

The 15 kilohertz or 12.5 kilohertz equipment purchased to meet the 1996 requirements would become obsolete again in the 2004 to 2012 time frame when all land mobile radio systems would be required to operate in

5 kilohertz channels in the VHF band and 6.25 kilohertz in the UHF band.

The FCC, it appears, has not considered the potential costs of its plan nor made a serious effort to distribute those costs equitably. However, the costs would be enormous since more than 100 million land mobile radios could become obsolete and would need to be replaced or overhauled by 1996, and many of those would need to be updated again eight years later. Those costs would be borne largely, if not exclusively, by incumbent licensees.

The FCC's proposal is in sharp contrast to its approach in the personal communications service proceedings where incumbent licensees in the 2 GHz bands would be granted long grandfather rights—eight to 10 years—or would be reimbursed by PCS applicants. Incumbent land mobile licensees deserve similar treatment. The FCC's so-called "market solution," whereby licensees who convert to narrow channels early would be permitted to sell the resulting new adjacent frequencies to others, is more illusionary than real because the need to buy such channels will not develop for some time.

Disturbing to many also is the FCC's proposal to abolish the existing land mobile radio services, and the relative priorities in the use of land mobile radio they provide. In their place, the FCC plans to establish three broad service categories:

public safety, encompassing all services now available for state and local governmental activities (police, fire, highway, etc.); non-commercial, encompassing all industrial, commercial and transportation services (forest products, manufacturing, railroads, business, etc.); and specialized mobile radio for land mobile radio entrepreneurs providing private carrier service to land mobile users. The current eligibility requirements will be practically eliminated.

While the attraction of the Private Radio Bureau to large, regional systems is well known, the public need for such regional systems has never been demonstrated nor even explained.

The FCC has not explained its rationale for such a drastic action beyond merely quoting self-serving statements from those who would gain from such consolidation and referring to its own previously stated conclusions. The service allocations have served land mobile users well for nearly half a century. They have provided a degree of priority in the use of radio for activities where safety is involved (police, fire, railroads, forestry operations, manufacturing)

and reasonable assurance that frequencies would be available when licenses are needed. The FCC proposal to lump all land mobile licensees in two hodgepodge groupings is ill-conceived and ignores the specialized requirements of basic U.S. industries for land mobile communications.

The FCC alternative offer under which the existing radio services would be maintained is hardly worth considering because, under that alternative, these radio services would not be allocated any of the new frequencies. They would have to make do with what is left after all of the newly created frequencies are reallocated. It seems public-safety agencies and basic U.S. industries deserve better treatment.

Hardly explained, much less justified, is the FCC's proposal to take from existing services 258 pairs of frequencies in the 150-170 MHz band for what the commission calls (but does not define) "innovative, highly spectrum efficient" regional land mobile systems. Under that proposal, as many as 50 channels would be given by lottery to each of five applicants over a very large territory, the territory served by each Baby Bell regional telephone company. Eligibility would be limited to relatively large entities.

While the attraction of the Private Radio Bureau to large, regional systems is well known, the public need for such regional systems has never

been demonstrated nor even explained. This proposal, an obvious giveaway, is also questionable at best.

When the commission made the initial spectrum allocations and established the original land mobile radio services in the late 1940s, one of the then FCC commissioners argued against allocating spectrum for private land mobile radio systems. Instead, he argued the frequencies should be handed over to common carriers (the telephone company) that would provide land mobile service. That view, fortunately, did not prevail and the allocation of a small portion of the radio spectrum for private radio systems fostered the substantial growth of land mobile radio that followed.

Some observers believe that this commission, for whatever reasons, seems willing, perhaps anxious, to turn back the clock and hand land mobile radio over to third-party carriers. PR Docket 92-235 is heading in that direction.

George Petrutsas is a partner in the Washington, D.C., law firm of Fletcher, Heald and Hildreth and also represents Forest Industries Telecommunications, a land mobile frequency coordinator. He was with the FCC from 1960 to 1980, serving as chief of what is now the Private Radio Bureau's Rules Division between 1976 and 1980.